

## Message Text

CONFIDENTIAL

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70-61

ACTION SCS-01

INFO OCT-01 EA-13 ADP-00 L-02 H-01 SY-01 USSS-00 CIAE-00

INR-10 NSAE-00 /029 W

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R 140436 Z APR 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4481

C O N F I D E N T I A L MANILA 4283

LIMDIS

FOR SCS AND EA/ PHL

E. O. 11652: GDS

TAGS: CASC, RP ( LEHMAN, AUGUST MCCORMICK, JR.)

SUBJECT: W/ W: AUGUST MCCORMICK LEHMAN, JR.

STATE 067344

1. DEPARTMENT' S ASSUMPTIONS IN PARA 1 REFTEL ARE CORRECT. EMBASSY SENT DIPLOMATIC NOTES TO DFA ON JAN 22, FEB 13 AND MAR 26, REQUESTING NEW EMBOFF VISIT TO LEHMAN BUT ONLY FEB 13 NOTE RECEIVED AN ACKNOWLEDGMENT. MAR 26 NOTE CITED ARTICLE VII, PARA 2 OF CONSULAR CONVENTION RE CONSULAR ACCESS TO ARRESTED NATIONALS AND STATED GOP FAILURE ARRANGE VISIT WOULD SEEM TO AMOUNT TO DENIAL OF THIS PROVISION OF CONVENTION.

2. IN HIS NEXT SUITABLE MEETING WITH PRESIDENT MARCOS, AMB INTENDS TO QUESTION FAILURE OF GOP TO ARRANGE MEETING WITH LEHMAN AND FAILURE OF DFA TO ACKNOWLEDGE NOTES. IF ATMOSPHERICS ARE RIGHT, HE PLANS ALSO INQUIRE ABOUT GOP' S INTENTIONS WITH REGARD TO LEHMAN.

3. BELIEVE IT MIGHT NOT BE IN LEHMAN' S INTEREST FOR EMBASSY TO PRESS GOP FOR IMMEDIATE RELEASE OR EARLY TRIAL. MILITARY TRIBUNAL WOULD UNDOUBTEDLY HAVE LITTLE DIFFICULTY IN FINDING HIM GUILTY OF PARTICIPATING IN CONSPIRACY TO ASSASSINATE  
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PRESIDENT AND MIGHT CONDEMN HIM TO DEATH OR OTHER SEVERE PENALTY FORTHWITH. DISCHARGE OF EMBASSY' S PROTECTIVE RESPONSIBILITIES IN THIS CASE WOULD SEEM BEST SERVED BY CONTINUING REMINDERS TO GOP THAT WE REMAIN INTERESTED IN LEHMAN' S WELFARE. IMMEDIATE RELEASE CERTAINLY NOT A POSSIBILITY SINCE ENTIRE CASE IS INTERWOVEN WITH OTHER GOP INTERESTS IN JUSTIFICATION OF MARTIAL LAW OR ATTACKS ON POLITICAL OPPONENTS.

4. IT IS POSSIBLE THAT GOP WILL CONTINUE TO HOLD LEHMAN WITHOUT TRIAL AS POTENTIAL MATERIAL WITNESS UNTIL IT CAN LAY HANDS ON OTHER ALLEGED CONSPIRATORS, BOTH AMERICAN AND FILIPINO, WHO ARE PRESENTLY OUTSIDE ITS JURISDICTION. PROSPECTS TO ACCOMPLISH THIS MAY LOOK GOOD TO GOP IN LIGHT OF POSSIBLE EARLY EXTRADITION TREATY NEGOTIATION IN WHICH GOP EXPECTED SEEK APPROPRIATE RETROACTIVE CLAUSE. ( MORE THAN LIKELY PRESIDENT AND THOSE IN MALACANANG CONCERNED WITH THIS MATTER MAY NOT HAVE FOCUSED ON TIME LAG INVOLVED IN CARRYING THROUGH SUCH NEGOTIATIONS TO FINAL RATIFICATION.)

5. IN SUM, WE DO NOT HAVE CLEAR IDEA YET OF GOP' S INTENTIONS RE LEHMAN. IN PRESIDENTIAL PRESS CONFERENCE IN JANUARY, MARCOS HINTED THAT FOREIGN CONSPIRATORS IN GOP' S CUSTODY MIGHT ULTIMATELY BE SIMPLY DEPORTED. THIS STATED, HOWEVER, IN MANNER WHICH ALLOWED PLENTY OF LEEWAY FOR CHANGE OF MIND.

6. BELIEVE USG SHOULD AVOID ATTEMPTING BRING THIS CASE TO A HEAD UNLESS AMBASSADOR' S VISIT DEVELOPS CLEAR INSIGHTS TO MARCOS' AND GOP' S PROGNOSIS FOR LEHMAN. FURTHER, EXCHANGE OF NOTES WITH DFA BELIEVED FUTILE SINCE DFA APPARENTLY HAS NO REAL INPUT OTHER THAN MESSENGER SERVICE.  
BYROADE

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\*\*\* Current Handling Restrictions \*\*\* LIMDIS  
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